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**From:** Cooper, Monte [mailto:mcooper@orrick.com]  
**Sent:** Monday, April 16, 2007 6:18 PM  
**To:** Hornick, John; Annette.Hurst@hellerehrman.com  
**Cc:** Sutton, Theresa A.; dan.hampton@hklaw.com; Guy, Hopkins; Chatterjee, I. Neel; joczek@proskauer.com; Bhanu.Sadasivan@hellerehrman.com; sbauer@proskauer.com; Schoenfeld, Meredith; Dalton, Amy; aboutin@proskauer.com; Greer, Yvonne; Bose, Subroto; Esquenet, Margaret; Hart, Pat  
**Subject:** Re: Bill of Costs

John:

None of us are able to identify any deficiencies in the Bill of Costs. Please identify what you deem to be the deficiencies so we are able to respond. Thank you,

Monte Cooper

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Sent from my BlackBerry Wireless Device

----- Original Message -----

From: Hornick, John <John.Hornick@finnegan.com>  
To: Cooper, Monte; Annette.Hurst@hellerehrman.com <Annette.Hurst@hellerehrman.com>  
Cc: Sutton, Theresa A.; dan.hampton@hklaw.com <dan.hampton@hklaw.com>; Guy, Hopkins; Chatterjee, I. Neel; Joczek; Bhanu.Sadasivan@hellerehrman.com <Bhanu.Sadasivan@hellerehrman.com>; Sbauer; Schoenfeld, Meredith <Meredith.Schoenfeld@finnegan.com>; Dalton, Amy; Boutin, Anne; Greer, Yvonne; Bose, Subroto; Esquenet, Margaret <margaret.esquenet@finnegan.com>; Hart, Pat <pat.hart@finnegan.com>  
Sent: Mon Apr 16 15:06:13 2007  
Subject: RE: Bill of Costs

Dear Monte:

4/17/2007



No, it is incumbent upon you.

Sincerely,

John

John F. Hornick  
Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.  
901 New York Avenue, N.W.  
Washington, D.C. 20001  
Phone (direct): (202) 408-4076  
Phone (main): (202) 408-4000  
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From: Cooper, Monte [<mailto:mcooper@orrick.com>]  
Sent: Monday, April 16, 2007 12:58 PM  
To: Hornick, John; [Annette.Hurst@hellerehrman.com](mailto:Annette.Hurst@hellerehrman.com)  
Cc: Sutton, Theresa A.; [dan.hampton@hklaw.com](mailto:dan.hampton@hklaw.com); Guy, Hopkins; Chatterjee, I. Neel;  
[joczek@proskauer.com](mailto:joczek@proskauer.com); [Bhanu.Sadasivan@hellerehrman.com](mailto:Bhanu.Sadasivan@hellerehrman.com); [sbauer@proskauer.com](mailto:sbauer@proskauer.com); Schoenfeld,  
Meredith; Dalton, Amy; [aboutin@proskauer.com](mailto:aboutin@proskauer.com); Greer, Yvonne; Bose, Subroto; Esquenet, Margaret; Hart,  
Pat  
Subject: Re: Bill of Costs

John:

Defendants know of no costs being taxed pursuant to 28 USC 1919 and/or 1920 that are un-related to the motion to dismiss or which are inappropriate under the governing statutes. It is incumbent that you inform us specifically which costs you believe are not taxable as a matter of law in order for us to respond to a demand like that set out below.

Moreover, I do not believe unilateral demands or inflammatory commentary will advance the litigation, and I believe all of our clients would be better served if such argumentation is abandoned in the pending lawsuit. To that end, I would welcome a message that cites specifically the source of any grievance associated with the Bill of Costs, in the hope that a sincere dialogue about the Bill can proceed.

As for your inquiry re Reply Briefs, Facebook has no objection extending the earlier mutual agreement concerning the parties' standing consent to the filing of the same.

Sincerely,

Monte Cooper

-----  
Sent from my BlackBerry Wireless Device

4/17/2007



----- Original Message -----

From: Hornick, John <John.Hornick@finnegan.com>

To: Cooper, Monte; Annette.Hurst@hellerehrman.com <Annette.Hurst@hellerehrman.com>

Cc: Sutton, Theresa A.; dan.hampton@hklaw.com <dan.hampton@hklaw.com>; Guy, Hopkins; Chatterjee, I. Neel; Joczek; Bhanu.Sadasivan@hellerehrman.com <Bhanu.Sadasivan@hellerehrman.com>; Sbauer; Schoenfeld, Meredith <Meredith.Schoenfeld@finnegan.com>; Dalton, Amy; Boutin, Anne; Greer, Yvonne; Bose, Subroto; Esquenet, Margaret <margaret.esquenet@finnegan.com>; Hart, Pat <pat.hart@finnegan.com>

Sent: Mon Apr 16 09:39:59 2007

Subject: RE: Bill of Costs

Dear Monte:

The "Corrected Defendants' Response to ConnectU's Objections to Clerk's Authority to Tax Costs, and Opposition to Taxation of Costs," which Defendants filed on April 13, 2007, states that "Because Defendants' costs are all related to litigating the issue of subject matter jurisdiction, this Court may grant such costs," and "Defendants have incurred over \$238,000 in litigation costs solely related to the motion to dismiss." As you know, ConnectU objects to Defendants' recovery of any costs. However, Neel Chatterjee's declaration and the summary of costs clearly cover costs for the whole case and the summary clearly includes costs unrelated to the motion to dismiss, both in time and/or subject matter. Please immediately withdraw the incorrect Bill of Costs and related documents, or correct such misstatements.

Also, please confirm that our standing mutual consent to reply briefs from the old case carries over to this case.

Sincerely,

John

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